



South Carolina House of Representatives

Legislative Update

Robert W. Harrell, Jr., Speaker of the House

Vol. 24

January 23, 2007

No. 03

CONTENTS

HOUSE WEEK IN REVIEW	02
HOUSE COMMITTEE ACTION	03
BILLS INTRODUCED IN THE HOUSE THIS WEEK.....	03

NOTE: THESE SUMMARIES ARE PREPARED BY THE STAFF OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND ARE NOT THE EXPRESSION OF THE LEGISLATION'S SPONSOR(S) OR THE HOUSE OF REPRESENTATIVES. THEY ARE STRICTLY FOR THE INTERNAL USE AND BENEFIT OF MEMBERS OF THE HOUSE OF REPRESENTATIVES AND ARE NOT TO BE CONSTRUED BY A COURT OF LAW AS AN EXPRESSION OF LEGISLATIVE INTENT.

HOUSE WEEK IN REVIEW

The House of Representatives approved **CHANGES TO HOUSE RULES** by adopting resolution **H.3297**, which:

- Adds a new rule providing that a legislative caucus may pay to the Clerk of the House of Representatives amounts, determined by the Clerk, for the use of office space in the Blatt Office Building and for the use of state-owned office related equipment and services, such as copying services, computer equipment, connection charges for internet access, and telephone equipment and service.
- Adds a new rule allowing a member of the House of Representatives to give his proxy to vote on matters before the full body to another member of the House of Representatives if that member is deployed by military order for federal military duty or state national guard duty to a combat zone for a period of more than twenty-one days during a legislative session. However, the member holding the proxy may not cast a vote for the deployed member unless the deployed member has specifically provided the voting member with written voting instructions, including, but not limited to, instruction transmitted by facsimile or electronic mail, with regard to the deployed member's position on the issue. The proxy on a particular question may be used upon unanimous consent of the members of the House present and voting provided the proxy vote does not change the outcome of the question.
- Adds a new rule under which the Clerk's office establishes procedures for providing House members with certificates commemorating birthdays, anniversaries, retirements, achievements, awards, etc., and procedures whereby members may pay to have such certificates and House and Concurrent Resolutions framed at local businesses providing framing services within the Columbia area during the legislative session.
- Revises an existing rule so as to provide that a legislative caucus and its meetings are not subject to the provisions of the South Carolina Freedom of Information Act.
- Revises an existing rule so as to provide more detailed requirements for the way in which the House recognizes and honors visiting teams, groups, and individuals.

The House approved and sent to the Senate **H.3209**, a bill that extends to April 1, 2007, the deadline for the **CHRONIC KIDNEY DISEASE TASK FORCE** to submit its report and recommendations to the Chairmen of the House Medical, Military, Public and Municipal Affairs Committee and the Senate Medical Affairs Committee and the Governor.

HOUSE COMMITTEE ACTION

There were no full committee meetings that addressed legislation, which is covered by the *Legislative Update*, this week.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

H.3258 HUNTING REVISIONS FOR GAME ZONE ONE Rep. Hiott

This bill revises the procedures for taking antlered deer and bear hunting in game zone one.

H.3270 STATE NUTRITION ASSISTANCE PROGRAM Rep. J.E. Smith

This bill establishes within the Department of Agriculture the State Nutrition Assistance Program (SNAP) for the purpose of providing funds to South Carolina food banks in order to supplement by purchase the donated food distributed by these food banks. The bill outlines the distribution and uses of funds appropriated for the SNAP program.

H.3275 PROHIBITION ON EXPORTING TURTLES Rep. J.E. Smith

Under this bill, it is unlawful to export for commercial purposes live sea or freshwater turtles which are caught or captured in the wild in this State. Criminal penalties are provided, and each violation is a separate offense.

H.3292 REGISTRATION OF UNDERGROUND STORAGE TANKS AND RELATED ENVIRONMENTAL IMPACT FEE Rep. Duncan

This bill provides that the amount of registration and late fee revenue used for administration may not exceed the total amount collected from such fees annually; current law provides that the amount used for administration may not exceed three million a year. Additionally, the bill increases the environmental impact fee from one-half cent a gallon to one cent a gallon.

H.3305 COMMITTEE TO STUDY THE BENEFICIAL USES OF INDUSTRIAL HEMP Rep. Herbkersman

This joint resolution creates a committee to study the beneficial uses of industrial hemp. The joint resolution outlines the study committee's membership and requires the committee to report its findings and recommendations to the General Assembly before January 15, 2008, at which time the study committee is abolished.

H.3315 CATCH LIMITS FOR ARKANSAS BLUE CATFISH Rep. Umphlett

Under this bill, no more than one Arkansas blue catfish over 34 inches may be taken from the waters of Lakes Marion and Moultrie by any one person in one day. These provisions apply to commercial as well as recreational fishermen.

EDUCATION AND PUBLIC WORKS

**H.3254 ORIENTATION CLASSES FOR SCHOOLS THAT HAVE RECEIVED
AN UNSATISFACTORY ABSOLUTE ACADEMIC PERFORMANCE
RATING**

Rep. Clyburn

Under this bill, a school that has received an unsatisfactory absolute academic performance rating on its most recent report card must offer an orientation class on certain school issues. A parent or guardian of a student scoring below basic on any portion of the state assessment who is registered to attend the school must attend the orientation class.

H.3262 COUNTYWIDE SCHOOL DISTRICTS Rep. Kennedy

Currently there are 85 school districts. This bill provides that on July 1, 2009, the area of each county of this state also must be constituted as a school district and a county may not have multiple school districts within its boundaries. There are 46 counties. The General Assembly by local law before July 1, 2009, shall provide for the governance, fiscal authority, and administrative and operational responsibilities for a countywide school district where no provisions of law now apply. All acts or parts of acts relating to a school district that is not a countywide school district are repealed as of July 1, 2009.

H.3266 PARKING ON A CURB PAINTED YELLOW Rep. Talley

This bill prohibits a person from parking a vehicle along the curb of a street that is painted yellow.

**H.3271 ISSUANCE OF A RESTRICTED DRIVER'S LICENSE TO CERTAIN
MINORS Rep. J.E. Smith**

This bill provides that the restrictions contained in a restricted driver's license issued to a minor may be modified or waived by the Department of Motor Vehicles, if the restricted licensee proves that the restriction interferes with travel between the licensee's home and religious sponsored events.

**H.3273 THE SOUTH CAROLINA UNBORN CHILDREN'S MONUMENT
COMMISSION Rep. Davenport**

This joint resolution creates the South Carolina Unborn Children's Monument Commission to erect a monument on the State House grounds as a memorial to South Carolina children whose lives ended before their birth. The joint resolution outlines the powers and duties of the commission and requires private funding for the establishment of this monument.

H.3279 MOBILITY DEVELOPMENT AUTHORITY Rep. Scott

This bill establishes a Mobility Development Authority within the State Budget and Control Board that must develop and coordinate a general mass transit program and policy for the State in order to encourage the efficient development, implementation, operation, evaluation, and monitoring of mass transit systems, both public and private. Currently within the Department of Transportation there is a mass transit division; this bill repeals references to this mass transit division.

H.3285 CHARTER SCHOOLS Rep. Scarborough

This bill allows a charter school chartered before 2006 to have a member of the school governing body who also receives pay as an employee of the same school.

H.3286 PLAIN LANGUAGE COMMUNICATIONS Rep. Crawford.

This bill provides for the use of plain language communications by each state and local emergency, fire, and law enforcement agency.

H.3317 CHANGES TO THE GIFT OF LIFE TRUST FUND AND ORGAN AND TISSUE DONOR REGISTRY Rep. Walker

This bill changes the name of the Gift of Life Trust Fund to "Donate Life South Carolina." The bill also establishes an organ and tissue donor registry to be administered by Donate Life South Carolina. The bill requires the Department of Motor Vehicles to provide organ donor information indicated on such applications to Donate Life South Carolina.

H.3318 KINDERGARTEN STUDY COMMITTEE Rep. Davenport

This joint resolution establishes a study committee to determine the effectiveness of five-year-old kindergarten programs. The joint resolution provides for the membership and duties of the study committee, and it requires the study committee to report its findings to the General Assembly by May 1, 2007.

JUDICIARY

H.3246 INMATE LITIGATION Rep. G.M. Smith

This bill provides that a court may dismiss with prejudice a civil action pertaining to a prisoner's incarceration or apprehension as frivolous under certain circumstances. The bill further provides that the court's order of dismissal must contain a finding that the action was frivolous. Relating to the offense of contempt of court, this bill deletes the sentence that a person may receive when held in contempt of court and instead limits the number of civil actions a prisoner may file which relates to his incarceration or apprehension.

H.3247 "SOUTH CAROLINA GANG PREVENTION ACT OF 2007" Rep. Scott

This is a skeleton bill to enact the "South Carolina Gang Prevention Act of 2007."

H.3249 REGULATIONS TO HAVE AFFIRMATIVE APPROVAL BY THE GENERAL ASSEMBLY Rep. Scarborough

Under the current law, there is no affirmative approval by both legislative bodies required to enact a regulation. This bill removes the 120-day clock for automatic approval of a regulation and replaces it with a requirement for approval by the General Assembly. Additionally, the bill requires specific agency power to modify or establish any fee set by regulation.

In general, this bill requires an agency submitting a regulation to file the regulation with Legislative Council along with a detailed summary of the proposed changes. The bill enhances the requirement that regulations be submitted in the same format as a bill (underline and strikethrough). The bill requires that the Speaker of the House and the President of the Senate refer the legislation to a standing committee and that Legislative Council inform the membership of the General Assembly electronically upon receipt of a

regulation for review. Both the House and Senate committees that are most concerned with the functions of the submitting agency will review the regulation. There will be an affirmative vote by the General Assembly required for enactment of the regulation. A regulation will be deemed withdrawn if it has not become effective at the end of the two-year session in which it was submitted.

Under the bill, an agency may not submit any regulation that went through public notice and comment period and was changed afterwards without the changes being raised, discussed or considered during the public comment period. The bill disallows the filing of an emergency regulation, if a joint resolution disapproving that same regulation has received a favorable report by the standing committee to which the regulation was referred. The bill does allow any agency that has submitted a regulation for review to withdraw that regulation at any time and resubmit the regulation without the requirements of notice and comment if there is no substantive change.

H.3253 *SMOKING PROHIBITED IN A VEHICLE WHEN A PRESCHOOL CHILD IS A PASSENGER* Rep. Clyburn

This bill provides that it is unlawful for a driver or occupant of a private or public passenger motor vehicle to smoke a tobacco product while a child of preschool age is also an occupant of the motor vehicle. A person who violates this provision is guilty of a misdemeanor and, upon conviction, must be fined not more than \$100 dollars or imprisoned for not more than 10 days.

H.3255 *STATE DNA DATABASE* Rep. Ceips

This bill requires DNA samples upon lawful custodial arrest for a felony; current law requires DNA samples following sentencing and at the time of intake at a jail or prison. The bill also requires samples to be provided before a person is released on parole, released from confinement, or released from an agency's jurisdiction. The bill provides for coordination between SLED and local law enforcement agencies to prevent collection and processing of duplicate DNA samples.

Relating to persons authorized to take DNA samples and their immunity from liability, this bill deletes requirements that the persons authorized must be certain types of health professionals. Instead, the bill requires that persons taking DNA samples be appropriately trained.

Relating to expungements and fees for DNA samples, this bill provides for expungement when charges are dismissed or nolle prossed.

The bill provides that the state will pay for the costs of collecting and processing a DNA sample. A fee of \$250 dollars must be assessed at the time of sentencing against persons convicted of, pleading guilty or nolo contendere to, or forfeiting bond for the crime for which they were arrested. Fees collected from convicted persons must be remitted to the general fund of the state and credited to the SLED.

H.3267 *ADDITIONAL CIRCUIT COURT JUDGES AND ADDITIONAL FAMILY COURT JUDGES FOR THE FIFTH, SEVENTH AND FIFTEEN CIRCUITS*

Rep. G.M. Smith

This bill increases the number of at-large circuit court judges from 13 to 16. Also, the bill increases the number of family court judges in the fifth, seventh, and fifteenth circuits by one additional judge.

H.3268 FEES FOR FRIVOLOUS CRIMINAL CHARGES Rep. Kirsh

If a judge dismisses the charge against a person or the person is found not guilty of the charge and the judge makes a finding that the charge is frivolous, this bill provides that the judge, in his discretion, may order court costs and other costs incurred by the person including, but not limited to, attorneys fees, public defender fees, and expungement fees to be paid by the person who brought the frivolous charge forward. The provisions do not apply to law enforcement officers or officers of the court.

H.3272 CRITICAL INCIDENT PLANNING AND MAPPING SYSTEM

Rep. J.E. Smith

This bill provides that the Department of Public Safety shall establish a statewide planning and mapping system for the public buildings in the State for use by response agencies that are called upon to respond to an act of terrorism or a related emergency.

H.3274 UNLAWFUL PRACTICE OF LAW Rep. J.E. Smith

This bill provides that no person may either practice law or solicit the legal cause of another person or entity in this State unless he has been enrolled as a member of the South Carolina Bar pursuant to applicable court rules, or otherwise authorized to perform prescribed legal activities by action of the Supreme Court of South Carolina. Criminal penalties are provided. In addition, the violation of this provision constitutes an unfair trade practice.

H.3277 IGNITION INTERLOCK DEVICES FOR CERTAIN OFFENDERS

Rep. G.R. Smith

This bill requires a court to order the installation of interlock devices on a vehicle operated by a person convicted of a subsequent offense of driving under the influence of alcohol or another illegal substance. The bill places driving restrictions on a person convicted of a subsequent offense who operates a vehicle owned by his employer. The State Law Enforcement Division must promulgate regulations governing the use, maintenance, and operation of ignition interlock devices.

H.3278 FILLING VACANCIES IN AN ELECTED OR APPOINTED OFFICE

Rep. G.R. Smith

This bill provides a uniform method of filling vacancies in an elected or appointed office when a person moves his residence outside of the area from which he was elected or appointed.

H.3280 PRIVACY FROM UNWANTED COMMERCIAL ELECTRONIC MAIL SOLICITATION Rep. J.E. Smith

This bill provides for the establishment and protection of privacy from unwanted commercial electronic mail solicitation in this State. Among other things, the bill provides for:

- A database constituting a "no e-mail list;"

- Specific contents of messages;
- Accurate routing information;
- Criminal penalties;
- Creation of the crime of criminal trespass in connection with unsolicited commercial electronic mail;
- Investigations by the Attorney General and the judicial circuit solicitors;
- The seeking of injunctive and other relief by the Attorney General;
- Electronic mail service providers are not liable for violations and are not responsible for enforcement or liable for errors or omissions in the database.

H.3282 REFERENDUM ON ABORTION Rep. Davenport

This joint resolution directs the State Election Commission to hold a referendum at the time of the next general election for representatives to ascertain whether the South Carolina electors favor amending the United States Constitution to allow states to prohibit abortions.

H.3283 "HEALTH CARE FREEDOM OF CONSCIENCE ACT" Rep. Davenport

This bill provides that health care providers, health care institutions, and health care payers have the right not to participate in or pay for a health care service that violates their conscience. The bill prohibits discrimination against a health care provider, health care institution, or health care payer for declining to participate in or pay for health care services that violate their conscience. The bill provides immunity from liability by reason of the health care provider, health care institution, or health care payer declining to participate in or pay for a health care service, as well as creates a civil cause of action for violations and a minimum award for damages.

H.3284 "RIGHT TO LIFE ACT OF SOUTH CAROLINA" Rep. Davenport

Under this bill, the right to due process and the right to equal protection vest at fertilization.

H.3287 FRESHMEN LEGISLATIVE CAUCUS Rep. Crawford

Relating to definitions concerning lobbyists and lobbying and campaign practices, this bill revises the definition of the term "legislative caucus" to include a caucus based on a membership of freshman members.

H.3299 "HUMAN CLONING PROHIBITION ACT" Rep. Davenport

The bill makes it unlawful for a person to perform or participate in human cloning, to derive any product from human cloning, or to ship, receive, transport, transfer, or distribute in intrastate commerce an embryo derived from human cloning. The bill provides for criminal penalties as well as provides for revocation of the professional license of a person violating these provisions.

H.3301 CREATION OF THE CRIMES OF VEHICULAR HOMICIDE AND VEHICULAR GREAT BODILY INJURY Rep. W.D. Smith

This bill establishes the crimes of vehicular homicide and vehicular great bodily injury, and criminal penalties are provided for both crimes.

H.3310 UNLAWFUL CARRYING OF HANDGUNS Rep. M.A. Pitts

The bill allows a person to carry a handgun on his person in a vehicle, if he has a valid concealed weapon permit.

H.3313 OFFICIAL ALPHABET OF THE STATE OF SOUTH CAROLINA

Rep. Huggins

This bill designates the alphabet using symbols of our State to denote particular letters as trademarked in the Office of the Secretary of State as the official alphabet of the State of South Carolina.

**H.3316 DAMAGE AWARDS FOR INDIVIDUALS INJURED WHILE
OPERATING MOTOR VEHICLES Rep. Rice**

This legislation prohibits the awarding of damages in favor of a person who is injured while operating his motor vehicle (1) if his injuries resulted from his operation of the vehicle, and (2) if he did not have in effect for that vehicle the financial security required by law at the time the injury occurred.

LABOR, COMMERCE AND INDUSTRY

H.3248 PUBLIC SERVICE COMMISSION APPROVAL OF RATES/ OTHER CONSUMER CHARGES OF CABLE TELEVISION COMPANIES

Rep. Scarborough

This bill provides that, beginning July 1, 2007, the rates and other consumer charges of cable television companies operating in South Carolina shall be approved by the Public Service Commission.

H.3256 ADVERTISING GIFTS GIVEN BY INSURANCE AGENTS

Rep. Taylor

This bill increases from five to twenty-five dollars the value of advertising merchandise that may be given by insurance agents to insureds and others.

H.3276 LOCAL EXCHANGE CARRIER DIRECTORY ASSISTANCE

Rep. Harvin

This bill provides that all local exchange carriers shall ensure that directory assistance operators have access to records of all telephone numbers, except telephone numbers not listed or published at customer request, in the geographic area for which the local exchange carrier is responsible for furnishing directory listing service. The legislation requires local exchange carriers to provide updates to each other as needed in order to maintain the completeness of all directory assistance information. Failure to comply with these requirements shall subject a local exchange carrier to such civil penalties as the Public Service Commission shall prescribe.

H.3281 "SOUTH CAROLINA FAIR CREDIT REPORTING ACT"

Rep. J. E. Smith

This bill enacts the "South Carolina Fair Credit Reporting Act," to provide that unfair methods of reporting credit history and unfair or deceptive acts in the conduct of credit reporting are unlawful. The legislation provides that the Federal Fair Credit Reporting Act as interpreted by the Federal Trade Commission and federal courts shall furnish guidance in construing this legislation. The bill establishes penalties for wilful and negligent noncompliance with the terms of the legislation. The bill provides for the jurisdiction of the state courts to hear actions brought under this legislation. A two-year statute of limitations, with exceptions, is established for seeking relief under this legislation.

H.3294 DEFERRED PRESENTMENT SERVICES REVISIONS

Rep. Clemmons

This bill revises requirements for the business of deferred presentment services. The legislation revises licensure requirements so as to prohibit a nonresident from engaging in deferred presentment services in this state without a license and to further differentiate between a person required to be licensed and a bona fide state or federally chartered bank, thrift, savings association, or credit union. The legislation caps the annual interest rate that may be charged at thirty-six percent. The legislation limits the licensee to one contract with a customer at a time. The legislation revises provisions relating to civil penalties for violations, so as to void a contract that is in violation, provide for damages, make a violation an unfair trade practice, make the penalties cumulative of all remedies, both legal and equitable, prohibit the enforcement of an unconscionable arbitration provision, and outline factors for determining unconscionability.

**H.3302 LOCAL GOVERNMENT REGULATION OF WIRELESS
COMMUNICATIONS SERVICE FACILITIES Rep. Crawford**

This bill provides for the manner in which counties and municipalities may regulate the construction and placement of new wireless communications service facilities and modifications to existing facilities.

**H.3309 JOINT MUNICIPAL ELECTRIC POWER AND ENERGY ACT
REVISIONS Rep. Owens**

This bill revises the Joint Municipal Electric Power and Energy Act by eliminating the definition of "area generally served by the same electric supplier." The bill eliminates the provision requiring the municipality to have ownership of a system or facilities for the generation, transmission, or distribution of electric power and energy for at least ten years. The legislation eliminates the requirement that all members of a joint agency be located within the area generally served by the same electric supplier. The bill eliminates the requirement that the acquisition of a project be by purchase from an electric supplier generally serving the area in which the members are located.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

**H.3304 "SOUTH CAROLINA EMERGENCY MEDICAL SERVICES
EMPLOYMENT ACT" Rep. J.M. Neal**

After June 30, 2007, this bill requires a person seeking employment as an emergency medical technician (EMT) to undergo a criminal records check. The bill prohibits employment of a person as an EMT if the person has been convicted of certain felony crimes or crimes against vulnerable individuals. An EMT employed on July 1, 2007, is exempt from a criminal records check unless and until the EMT changes employment. Exceptions are provided for during a state of emergency.

WAYS AND MEANS

**H.3244 DEPARTMENT OF REVENUE WAGE GARNISHMENT POWERS
Rep.J. E. Smith**

This bill revises the authority of the Department of Revenue to contract to collect an outstanding liability owed to a governmental entity, so as to limit the department's wage garnishment powers to collection of an outstanding tax liability owed a governmental entity.

**H.3250 FINE FOR SUPPLYING MINORS WITH TOBACCO OR CIGARETTES
Rep. Scarborough**

This bill increases the fine for the criminal offense of supplying minors with tobacco or cigarettes to one thousand dollars for each violation and provides that one-half of the fine must be remitted to the Department of Health and Environmental Control for use in the Youth Smoking Prevention Plan.

**H.3257 COMMITTEE TO STUDY A STEP INCREASE COMPENSATION PLAN
FOR STATE EMPLOYEES Rep. Taylor**

This joint resolution establishes a committee to study a step increase compensation plan for state employees and provides for its membership and duties. The study committee

terminates on the date it forwards its report and recommendations to the General Assembly and the Governor, or on August 15, 2007, whichever is earlier.

H.3261 INDEPENDENT FINANCIAL/ MANAGEMENT AUDIT OF EDUCATION FUNDING AND SERVICE DELIVERY Rep. Duncan

This joint resolution directs the State Budget and Control Board to engage a qualified independent auditing and consulting firm to conduct a financial and management audit of the State Department of Education and any other related entities it considers necessary, including a review of school district records, in order to perform a comprehensive analysis of the state budgetary process in regard to education funding and the manner in which education services are delivered for the purpose of reducing waste and duplication within this system and making it as fiscally effective as possible.

H.3288 EMERGENCY MEDICAL SERVICES PERSONNEL PARTICIPATION IN SOUTH CAROLINA POLICE OFFICERS RETIREMENT SYSTEM Rep. Crawford

This bill provides that beginning July 1, 2007, emergency medical services personnel (ambulance attendants, ambulance drivers, and ambulance attendant-drivers) employed by the State, its political subdivisions, or eligible service organizations shall participate in the South Carolina Police Officers Retirement System.

H.3289 GOLD, SILVER, AND PLATINUM BULLION, LEGAL TENDER COINS, AND CURRENCY EXEMPTED FROM SALES TAX Rep. Vick

This bill exempts from sales tax the gross proceeds of sales or sales price of gold, silver, and platinum bullion, legal tender coins, and currency. The legislation requires the retailer to maintain proper documentation as required by the South Carolina Department of Revenue for each exempt sale.

H.3295 NEW LIMITS ON STATE APPROPRIATIONS Rep. G.R. Smith

This bill imposes a new limit on state appropriations and applies to appropriations for fiscal year 2008-2009. The limitation would be the lesser of 106% of adjusted base-year appropriations, or the adjusted base-year appropriations with an increase based on the state's population growth and the consumer price index. (Adjusted base year is the recurring and nonrecurring general fund revenue estimate made by the BEA on February 15, 2007 for FY 2007-2008). Applies to the Governor's Executive Budget and the appropriations bills before the House and Senate prior to third reading. Provides for the limitation to be suspended for a fiscal year for a specific amount upon a special vote of the General Assembly and to define this special vote and provides for post-suspension standards; establishes the Spending Limit Reserve Fund, and requires that all general fund revenues accumulated in a fiscal year in excess of the appropriation limit must be credited to this fund. Revenues in this fund may be appropriated in the year following the close of the applicable fiscal year. The bill provides that if the balance in the General Reserve Fund is less than the required balance, all amounts in the Spending Limit Reserve Fund must be appropriated to replenish the fund and this amount does not replace or supplant the minimum replenishment amount otherwise required to be made. To the extent these concurrent replenishments of the General Reserve Fund exceed the amount necessary for its full funding, the General Reserve Fund is deemed to require an annual minimum balance equal to this increased amount not to exceed a total balance equal to four percent of general fund revenue in the latest completed fiscal year. Provides for the appropriation of revenues after these priorities are met: any remaining balance may be appropriated for or used to offset revenue reductions for infrastructure

improvements, temporary tax reductions, school buildings, school buses, and state expenses incurred as a result of natural or other disasters declared by the President of the United States. Provides that method of payment for such items be in one installment and appropriations from the Spending Limit Reserve must be made by a joint resolution originating in the House.

H.3296 SCHOOL DISTRICTS REQUIRED TO USE AT LEAST SIXTY-FIVE PERCENT OF EDUCATION OPERATIONAL BUDGET FOR CLASSROOM INSTRUCTION Rep. Littlejohn

This bill provides that at least sixty-five percent of the education operational budget of each school district must be used for classroom instruction. No portion of the sixty-five percent may be used for bureaucratic purposes. The legislation requires each school district to report to the State Department of Education by August first of each year the actual percentage of its education operational budget that the school district used for classroom instruction for the previous school year.

H.3300 SENIOR CITIZEN HOMESTEAD EXEMPT PROPERTY EXEMPTED FROM PROPERTY TAX INCREASES ATTRIBUTABLE TO PERIODIC REASSESSMENT Rep. Umphlett

This bill exempts from property tax increases in value attributable to periodic reassessment of owner-occupied residential property allowed the homestead exemption for persons over age sixty-five years of age or who are totally and permanently disabled.

H.3303 REEMPLOYED RETIREES UNDER THE STATE EMPLOYEE AND POLICE OFFICERS RETIREMENT SYSTEMS Rep. Simrill

This bill revises provisions for the return to active service and restoration to the status of active contributing members to retirees under the South Carolina Retirement System and The South Carolina Police Officers Retirement System, who have returned to active service in covered employment, so as to reduce from forty-eight to twelve the consecutive months the time after which a beneficiary returned to active service in covered employment may be restored to the status of active contributing member. The legislation exempts reemployed retirees under these retirement systems who returned to employment before July 1, 2005, from the payment of employee contributions otherwise due these systems. This exemption continues while a reemployed retiree remains employed in the position held before July 1, 2005. The legislation provides for the refund with interest of the employee contributions made by these employees with respect to employment after June 30, 2005.

H.3314 ADDITIONAL MOTOR FUELS USER FEE AND ROAD TAX FOR MAINTENANCE OF OLDER ROADS Rep. Umphlett

This joint resolution imposes an additional motor fuels user fee and road tax on motor carriers equal to six cents a gallon, beginning July 1, 2007, through June 30, 2014, the revenue from which must be credited to the State Highway Fund and used solely for the purpose of maintenance of roads in the state highway system that are more than ten years old at the time the maintenance project begins.

The *Legislative Update* is on the Worldwide Web. Visit the South Carolina General Assembly Home Page (<http://www.scstatehouse.net>) and click on "*Publications*," then click on "*Legislative Update*." This will list all of the *Legislative Updates* by date. Click on the date you need. Also available on the website is a bill summary index, where bills referenced in one or more issues of the *Legislative Update* are listed in numeric order. Links to the specific text of the *Legislative Update* issue are provided in the bill summary index.

NOTE: THE LEGISLATIVE UPDATE IS AVAILABLE TO LEGISLATIVE TRACKING SUBSCRIBERS. YOU MAY REGISTER FOR THIS FREE SERVICE ON THE SOUTH CAROLINA GENERAL ASSEMBLY HOME PAGE BY CLICKING ON "BILL TRACKING & REPORTS" (UNDER "LEGISLATIVE RESOURCES").